

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JUDY PYATT,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Case No. 2:09-CV-00475

JUDGE ALGENON L. MARBLEY

Magistrate Judge Preston Deavers

OPINION & ORDER

This matter is before the Court on the **Report and Recommendation** of the United States Magistrate Judge (Doc. 34). On May 5, 2013, Plaintiff submitted her Motion for Attorney Fees pursuant to 42 U.S.C. § 406(b)(1), in the amount of \$5,162.50. (Doc. 32). Defendant does not oppose the fee award, only the amount. Defendant maintains that Plaintiff's attorney cannot recover fees twice for the same work, and therefore argues that Plaintiff's request should be offset by the amount she has already recovered. (Doc. 31).

On April 8, 2014, the Magistrate Judge recommended that Plaintiff's Motion be granted, and that the Court award Plaintiff's counsel \$3,006.25 in fees. (Doc. 34 at 2). This reflects the \$5,162.50 requested by Plaintiff under the Social Security Act, 42 U.S.C. § 406(b), offset by the \$2,156.25 that Plaintiff's counsel received on January 12, 2011, under the Equal Access to Justice Act, 28 U.S.C. § 2412. (See Doc. 31).

The parties were specifically advised of their right to object to the Magistrate's recommendation. (Doc. 34); *see also Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007). No objections have been filed. The deadline for such objections elapsed on April 25,

2014. Accordingly, the Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation, and **AWARDS** Plaintiff's attorney fees of \$3,006.25.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: May 29, 2014